

REMARKS

On entry of the present amendment, claims 1, 8 and 12 will have been amended while claims 4 and 10 will have been cancelled. Claims 19 and 20 are submitted for consideration.

In view of the herein contained remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate and proper.

In the outstanding Official Action, the Examiner confirmed entry of Applicant's submission of February 22, 2006. The Examiner is thanked for entering these newly submitted claims and for reviewing them on their merits in the outstanding Official Action.

In the outstanding Official Action, the Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over OUCHI (U.S. Published Patent Application 2002/0123667) in view of RYDELL (U.S. Patent No. 5,035,696) and further in view of the teachings of WEAVER et al. (U.S. Patent No. 5,536,248). Applicant respectfully traverses the above rejection and submits that it is inappropriate with respect to the claims in the present application.

By the present response, Applicant has amended claim 1 to clearly and unambiguously distinguish the features of Applicant's claim 1 from the combination of references relied upon by the Examiner. In this regard, Applicant's claim 1 now defines the invention as including guide channels that are arranged symmetrically with respect to a longitudinal center axis of the insulating tube and that the pair of conductive wires

are naked twisted stainless steel wires. It is respectfully submitted that in the claimed combination of claim 1, the combination of references applied thereagainst do not disclose, teach nor render obvious the above-noted combination of features.

In this regard, Applicant notes that the Examiner admits that OUCHI discloses two conductive wires within a single guide channel and then relies upon RYDELL to teach individual guide channels and further relies upon WEAVER to teach circular individual guide channels. However, Applicant notes that none of the various and numerous embodiments of WEAVER disclose conductive wires that pass through different ones of a pair of circular guide channels as recited. In WEAVER, the various channels, although they are circular, are provided for inserting a snare, injecting a medium, or retrieval of e.g., gall stones, making particular reference to Figure 12. The other embodiments of WEAVER relate to an injection needle, an inflation medium or a contrast medium as explained in the relevant portions of the WEAVER disclosure.

However, WEAVER, although he does appear to teach circular guide channels, does not disclose or teach the use of circular guide channels to receive conductive wires in the combination as recited in Applicant's claims, and particularly where those conductive wires are attached to an end-effector as recited in Applicant's claim.

RYDELL also is somewhat distinct from the features of Applicant's invention. In particular, Applicant notes that the wires of RYDELL are used in their exposed condition. In other words, the wire 26 is exposed and thus cannot have insulation material provided thereon in order to perform its intended function. Similarly, the wire 24 is coupled to the coiled spring connection 22 and thus must also be an uninsulated wire. Accordingly, RYDELL provides no teaching of modifying OUCHI to remove the

insulation from the wires thereof and to dispose each wire in a separate guide channel. The wires of RYDELL must be free of insulation in order to perform their intended function while the wires of OUCHI can and do operate through a single channel and are covered in insulation. The Examiner has not provided any proper motivation or reasoning why one of ordinary skill in the art would modify the OUCHI device in the manner asserted in view of the teachings of RYDELL and WEAVER. Accordingly, withdrawal of the rejection is requested.

In the outstanding Official Action, the Examiner further rejected claims 1-7 and 11-18 under 35 U.S.C. § 103(a) as being unpatentable over SLATER et al. (U.S. Patent No. 5,482,054) in view of RYDELL and further in view of the teachings of WEAVER et al. Applicant respectfully traverses the above rejection and submits that it is inappropriate. In describing the SLATER et al. reference, the Examiner asserts that SLATER et al. discloses a pair of pins (134, 136) spaced from each other with each pin supporting a jaw. It is respectfully submitted that the Examiner is incorrect.

SLATER does not at all disclose a plurality of pins, but rather clearly discloses a single clevis pin 28 that extends through bore 30. (It appears that the Examiner's reference might be to OUCHI, which is not part of this rejection.) In this regard, the Examiner's attention is directed to the first paragraph in column 5 of SLATER et al. Additionally, the wires of SLATER et al. are clearly insulated and it is only the distal end thereof that is uninsulated as is explicitly set forth at column 5, lines 48-50 and as shown in numerous of the figures, particularly including Figure 2.

Accordingly, for this additional reason, it is respectfully submitted that the combination of SLATER et al., RYDELL and WEAVER is inadequate and insufficient to

render unpatentable any of the claims in the present application. In this regard, for reasons similar to those set forth above, it is respectfully submitted that it would not be obvious to modify the features of SLATER et al. in view of the teachings of RYDELL and WEAVER et al.

Claims 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SLATER et al., RYDELL and WEAVER et al. and further in view of the teachings of SUTTON et al. (U.S. Patent No. 5,762,613). Applicant traverses the above rejection and submits that it is inappropriate.

Initially, Applicant notes that the disclosure of SUTTON et al. cannot overcome the above-noted deficiencies of the combination of SLATER, RYDELL and WEAVER. Moreover, it is respectfully submitted that the Examiner has not set forth a proper motivation for the proposed combination. In this regard, the Examiner asserts that the dual pin clevis construction allows for individual actuation of the jaw members and this would have been an obvious modification in view of the teachings of SUTTON. However, it is not apparent that this feature is not already included in the disclosure of SLATER et al. who discloses separate wires 60 which control individual ones of the jaws. For this additional reason, it is respectfully submitted that the Examiner's proposed combination is submitted to be inappropriate and improper.

During the prosecution of the present application, numerous documents have been cited by the Examiner, as well as by Applicant via an Information Disclosure Statement. In this regard, Applicant respectfully requests that the Examiner consider the features of Applicant's invention with respect to each of the references of record herein regardless of whether cited by the Examiner or whether cited by Applicant.

Accordingly, Applicant has traversed each of the Examiner's rejections and has shown them to be based upon disclosures which are not properly combinable nor do they, even if combined, teach the combination of features recited in Applicant's claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections.

The claims in the present application have been amended to more clearly define the features of Applicant's invention. Accordingly, Applicant respectfully requests reconsideration of the outstanding rejections and an indication of the allowability thereof in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has discussed each of the references asserted by the Examiner and has pointed out the shortcomings of the references with respect to the features of Applicant's invention. Applicant has further discussed the features of Applicant's invention and has pointed out the explicit recitations of Applicant's claims that are not taught, disclosed nor rendered obvious by the combination of references cited by the Examiner. Accordingly, Applicant has provided a clear evidentiary basis for the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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